



912 Silas Deane Highway  
Wethersfield, CT 06109

Tel: 860.529.6855

Fax: 860.563.0616

ccia-info@ctconstruction.org

www.ctconstruction.org

## **House Bill 5567, An Act Concerning Blasting Near Residential Properties Public Safety and Security Committee February 10, 2009**

### **CCIA Position: Opposed**

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in Connecticut and is committed to working together to advance and promote a better quality of life for all citizens in the state. CCIA is comprised of more than 350 members, including commercial, industrial and institutional construction contractors, subcontractors, suppliers and professionals serving the construction industry and representing all aspects of the construction industry. Several CCIA members have significant experience in operating responsibly explosives sales and service companies, performing blasting for site work and specialty projects, and operating quarries where mining, excavation and other work is performed.

Proposed House Bill 5567, An Act Concerning Blasting Near Residential Properties, would amend Conn. Gen. Stat. §29-349 to limit the force of the blasting agent used for any blasting done in a location within a one-mile radius of more than 20 residences. While CCIA respects the intent of the sponsor of the bill, Rep. O'Brien, and the concerns of neighbors of quarries, we believe that legislating blasting operations is not the best approach to resolve their concerns. The legislature should await adoption of the Connecticut Explosives Code, which has been proposed by the Department of Public Safety. The Code would address in a comprehensive, balanced manner the concerns of the public as well as the needs of industry, contractors and the state.

Although it is merely a proposed bill, House Bill 5567 is vague and unclear as to what it would do, particularly in light of the proposed regulation. Under the terms of the bill, however, blasting operations at most quarries across the state could be shut down. This would have severe adverse consequences for construction, road building and other contracting work in the state. It would effectively require municipalities and the state and private owners to obtain materials for construction projects from outside the state, significantly raising costs. In an economic recession, this is not the best approach.

Blasting is an important part of the construction process. Raw materials for constructing buildings, roads and bridges are mined in quarries where explosives are detonated to extract stone and other aggregates. Blasting is also used on construction projects to build roads, install underground sewers and pipes, and prepare sites. With increased residential development in some areas of the state, homes have been built closer to quarries and project locations where blasting operations take place. As a result, there have been some complaints in recent years that routine operations at quarries or on projects have led to



dust and debris entering neighboring private property and that damage to wells, structures and foundations of homes has been caused by vibrations from blasting.

Quarry operators maintain compliance with the numerous laws, regulations, codes and ordinances that govern operations and their effects on surrounding areas. Standard industry practice already requires them to take measures to minimize the effects of blasting. Operators must adhere to, for instance, regulations of several federal agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency, and the Mine Safety and Health Administration of the Department of Labor. Many blasters are members of the Institute of Makers of Explosives, a safety and security association of the commercial explosives industry in the United States and Canada. IME provides information and comprehensive recommendations concerning commercial explosive materials followed as standard industry practice. Blasters must adhere to guidelines, standards and criteria on safe blasting and vibration set forth in several reports prepared by the U.S. Bureau of Mines.

Blasters must meet technical qualifications, be licensed by the state, and obtain annual permits. Blasters and drillers who work in quarries must be certified and undergo 8 hours of mine safety training. Many have obtained 10 hours of OSHA-certified construction safety training. ATF requires blasters transporting explosives to maintain, as required by regulations of the Federal Motor Carrier Safety Administration, a \$5 million liability insurance policy.

We believe that, rather than adopting legislation that would have significant adverse consequences for this highly regulated industry, owners and the public, the legislature should let the regulatory process continue to move forward. The Office of State Fire Marshal in the Department of Public Safety has proposed a Connecticut Explosives Code, which would update regulations adopted in accordance with Conn. Gen. Stat. §29-349 regarding storage, transportation and use of explosives and blasting agents. The current regulations have been in place since 1972 and have not been changed substantively since then. The revisions recognize technical changes and changes in federal law. It modernizes requirements for blasting and will help ensure that uniform standards are applied across the industry. The Code is very comprehensive and stringent compared to other states, most of which do not even have a blasting code. While regulations have been in place in Connecticut since the 1930s and they have become more stringent, blasters have become much more professional in their operations.

CCIA generally supports adoption of the code, provided it is amended to address several concerns. A public hearing was held before the agency last September. The agency is expected to respond to public comments. It will then revise the regulation, if necessary, and submit it to the Attorney General for approval. It will then go to the legislative Regulation Review Committee for adoption. We urge the Public Safety and Security Committee to let that process continue. We expect that the Code will be adopted and in place within about 18 months. Meanwhile, the current state regulation governing storage,

transportation and use of explosives and blasting agents remains in effect until the state adopts the Code.

CCIA is mindful of the concerns of residents near quarry operations and recognizes that operations must take place safely and responsibly for the benefit of the public. CCIA members that operate quarries and members that perform blasting on-site are attentive to surrounding areas and strive to minimize vibration, noise and adverse effects on nearby property caused by explosives and blasting agents. Some quarry operators position seismographs around nearby property and take periodic measurements to gather data and track vibrations and use that information to improve their technique and limit adverse effects.

CCIA simply believes that the state properly delegated authority to the agency to adopt an explosives code. The legislature should therefore let the Office of State Fire Marshal do its job and not act on House Bill 5567.

Please contact Matthew Hallisey at CCIA at (860) 539-5189 if you have any questions or if you need additional information.